

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IRENE MARTINEZ HERRERA,

Plaintiff,

- against -

LDJ CONTRACTING LLC, et al.,

Defendants.

ORDER

23-CV-10326 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff initiated this action by filing a complaint on November 27, 2023, against LDJ Contracting, LLC and Luis DeJesus (together, “Defendants”). (Doc. 1). Defendant DeJesus was served on January 3, 2024, and Defendant LDJ Contracting, LLC was served on May 16, 2024. (Doc. 6; Doc. 15). On August 21, 2024, Clerk’s Certificates of Default were entered as to Defendants. (Doc. 23; Doc. 24).

On December 20, 2024, Plaintiff moved for leave to amend its Complaint in light of the Second Circuit’s recent holding in *Guthrie v. Rainbow Fencing Inc.*, 113 F.4th 300 (2d Cir. 2024), requiring a plaintiff “to establish Article III’s concrete injury-in-fact requirement as to [] New York Labor Law [] § 195” claims. (Doc. 28). On February 7, 2025, Plaintiff filed, with the Court’s permission, an amended complaint. (Doc. 31). Plaintiff did not add any new claims in its amended complaint, and thus service of the amended pleading was not required on the defaulting defendants, DeJesus and LDJ Contracting, LLC. *See* Fed. R. Civ. P. 5(a)(2). The docket reflects that Defendants have not responded to the amended complaint. *See* Fed. R. Civ. P. 15(a)(3) (“[A]ny required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading[.]”).

Accordingly, by March 20, 2025, Plaintiff shall comply with this Court's Individual Practices Rule 4(B) for obtaining a default judgment against Defendants.

Failure to strictly comply with this Court's Individual Practices and this Order may result in dismissal of this action in its entirety, without prejudice, for want of prosecution under Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: White Plains, New York
March 6, 2025



PHILIP M. HALPERN
United States District Judge